

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 03 ABUJA 002031

SIPDIS

ACCRA FOR INS  
ROME FOR INS DISTRICT DIRECTOR, GREGORY SMITH  
ATHENS FOR FAA CASLO  
DOT FOR KEVIN SAMPLE

E.O. 12958: N/A  
TAGS: [CVIS](#) [BAIR](#) [KFRD](#) [NI](#) [SMIG](#)  
SUBJECT: NIGERIA: INS ROUNDTABLE WITH GON OFFICIALS ADDRESS  
PROBLEMS ASSOCIATED WITH DIRECT FLIGHTS TO THE U.S.

REF: A. (A) STATE 128278 (B) ABUJA 1380 (C) LAGOS 1752  
[1](#)B. (D) LAGOS 1862

[1](#)1. Sensitive but Unclassified, please protect accordingly.

[1](#)2. Action request see para. 15.

[1](#)3. (U) Summary: On July 31, Ambassador, INS District Director INS/Rome, INS OIC/Accra, and Lagos Econoff attended a roundtable sponsored by Minister of Aviation Kema Chikwe to discuss the problems associated with the Nigeria Airways/South African Airways direct flight to New York City. GON participants expressed concern about reports of narcotics seizures at New York's JFK Airport, and the continuing problem of "malafide" passengers. The GON presented a number of proposals meant to address these problems including the establishment of a GON anti-fraud unit targeting malafide passengers and the placement of a magistrate's court within the airport. INS agreed to assist the GON with its efforts. End Summary.

-----  
ROUNDTABLE EXAMINES SAA/NA'S "MALAFIDE" PROBLEM  
-----

[1](#)4. (SBU) Minister of Aviation, Kema Chikwe led a roundtable discussion on problems associated with the SAA/NA service to JFK. Attendees included GON Aviation Ministry officials, Immigration, and Customs officials, Nigerian Drug Law Enforcement Agency (NDLEA) Chairman Alhaji Bello Lafiagi, the NDLEA Zonal Commander for Murtala Muhammed International Airport (MMIA), Federal Airports Authority of Nigeria (FAAN) Managing Director Sule Ozenua, and a representative of the National Security Advisor's office. The Minister of Internal Affairs who oversees the Immigration Service was to co-chair the discussion, but a last minute change prevented his attendance. INS District Director Gregory Smith first briefed GON officials on INS observations about the SAA/NA flight. According to Smith, INS records indicate that approximately 70 passengers have been "turned around" from JFK since the flight commenced in February 2001. Smith stated that ninety percent of these "malafide" passengers boarded in Lagos, and ninety percent were Nigerian nationals. The high incidence of malafide passengers, Smith explained, poses a significant financial burden for the airlines in the form of fines, as well as an image problem for both the carriers and Nigeria. The resulting negative perception will make the GON goal of attracting a U.S. carrier to Nigeria a difficult task.

[1](#)5. (SBU) Smith pointed out that in the past year INS has provided training to GON security agencies, Nigerian Immigration, and airline check-in staff on approximately seven occasions. (Comment: In addition, the Congen Anti-Fraud Unit has also provided training on a number of times. End Comment.) Despite this effort the problem and number of malafide passengers continue unabated. Moreover, malafide passengers stopped at the boarding gate have their documents confiscated, and are usually free to return and just try again another day. Smith reiterated that other factors, such as malfeasance and insufficient deterrence, are at play

(Ref A). To illustrate his point, Smith presented several examples of altered U.S. documents intercepted and confiscated by INS at the boarding gate area of MMIA. The troubling point, Smith emphasized, was that the "would be" passengers apparently utilized these documents to pass through a Nigerian Immigration checkpoint prior to reaching the gate area. Two of the U.S. passports presented were significantly damaged/altered and had identifying data wiped out. They should not have passed Nigerian Immigration

-----  
GON OFFICIALS PRESENT COUNTER-FRAUD PROPOSALS  
-----

16. (SBU) Minister Chikwe responded that President Obasanjo was aware of and concerned about the reported narcotics seizures and malafide passengers, and she described several proposals she had discussed with the President. One proposal, put forward by the President himself, was to establish a magistrate's court within the airport to try offenses such as utilizing fraudulent documents and harassment. (Note: The harassment the Minister mentioned apparently described two types, that by "touts" and that deemed carried out by GON officials. "Touts" are unemployed individuals searching for opportunities to make a few Naira, usually with threats of intimidation. An example of this would be a "tout" hired to assist a passenger to move from the rear to the front of a line. End Note.) Other GON agencies present at the roundtable seemed unaware of this proposal and it was pointed out that a court, with jurisdiction over the airport, already existed. NDLEA officials reiterated that narcotics cases can only be tried in a Federal High Court. Despite the contradictory viewpoints, Minister Chikwe opined that a magistrate's court was needed within the airport facility if for no other reason than to serve as a deterrent for minor crimes, such as utilizing fraudulent documents. Such a court facility would offer rapid justice and therefore deter this type of crime. Chikwe indicated that she would discuss this proposal with Lagos State Governor Tinubu.

17. (U) The Minister described a second proposal involving the posting of government lawyers to the airport to ensure the protection of passengers' rights. This proposal would address, she said, Ministry concerns regarding accusations by travelers of extortion and harassment by GON officials. The Minister's third proposal was an expression of GON support for any USG assistance and training that can be offered.

18. (U) After Minister Chikwe described these preliminary proposals, other suggestions were raised during the course of the roundtable discussion. Chikwe dictated that FAAN would begin to provide additional security at boarding gate areas to prevent "would be" malafide passengers from intimidating airline staff. The Minister stated that FAAN security personnel should be on hand and react as appropriate when passengers denied boarding become unruly.

-----  
INS TRAINING KEY TO GON THINKING  
-----

19. (U) GON officials requested additional INS training for airline personnel, check-in staff, Nigerian Immigration, and various GON security agencies. (Comment: An INL-funded, Department of Justice, International Criminal Investigative Training Assistance Program (ICITAP), involving 40 Nigerian Immigration officers is planned for late August. In addition, INS has agreed to provide additional training for Nigerian Immigration in the future, and to other GON security agencies, as appropriate. End Comment.) Ambassador Jeter informed Chikwe that the proposed Memorandum of Understanding, establishing guidelines for a USG presence at MMIA, was presently under review by the State Department. (Reftels A and D)

10. (SBU) The roundtable recommended that a Special Anti-Fraud Unit be established by the Nigerian Immigration Service to operate at the airport at both the boarding gates and the regular immigration checkpoints. INS agreed to support and train such a "core" unit, with the understanding that its members will be held accountable and would undergo background checks. Members of the unit will be directed to arrest (and hopefully prosecute) passengers presenting fraudulent documents.

11. (SBU) Comment: The convening of this roundtable by the Minister of Aviation, with the required attendance of a number of GON security agencies, suggests that at the GON, at the highest levels, is seeking solutions to the problems arising from the SAA/NA service to JFK. The GON is obviously worried about recent developments. Unfortunately, as evidenced during the roundtable, a lack of coordination and communication among GON agencies still exists. However, a meaningful discussion was held and useful proposals were suggested from all sides.

12. (SBU) Comment Cont.: The proposals suggested during the roundtable address some of the factors that allow the problem of malafide passengers to continue unabated. To date, there has been little or no deterrence to such activity. Whether it is the creation of a magistrate's court that expeditiously tries malafide passengers, or the arrest and detention of malafides by the Nigerian Immigration Service, both steps suggest movement in the right direction. Also, the Minister's tasking of FAAN to increase security at boarding gate areas could help alleviate concerns of airline staff regarding intimidation by passengers.

13. (SBU) Comment Cont.: The burden of document verification now rests completely upon the airlines operating from Murtala Mohammed International Airport. Reports indicate that corruption is a widespread problem in both the Nigerian Immigration and Customs Services, and these reports come from sister GON security agencies. In the Embassy's view, the proposal to train a small group of Nigerian Immigration officers to fill the void of effective document verification at MMIA is both logical and necessary. Training and support could be focused on this core group, with the understanding that the GON will hold unit members accountable for their actions. For maximum impact and effectiveness, these officers could concentrate their efforts at the boarding gates.

14. (SBU) Comment Cont.: Experience has demonstrated that the presence of one USG Anti-Fraud or INS officer at the boarding gate results in passenger turnaround numbers going from several a flight to zero. The best substitute for a USG or similar (UK, German) presence is a trained (and trustworthy) Nigerian Immigration presence, but one which is strictly held accountable for professional performance. With high level GON attention, the establishment of an immigration unit as proposed, with USG assistance, may be feasible. We are certain that the proposals put forward by Chikwe have the full backing of President Obasanjo.

15. (SBU) Action Request: Mission welcomes the INS offer of an extended TDY presence in Lagos and requests that INS approve the proposal to coordinate with GON officials to establish and train a Special Anti-Fraud Unit within the Nigerian Immigration Service. Mission would also appreciate any update from the Department on the status of the proposed MOU (Reftels A, B, C, D).

16. This message was drafted after the departure of INS Director Gregory Smith.